

## REMARKS

### I. Status of the Claims

Claims 27-40 were pending prior to the amendments made above. Claim 28 has been canceled. Claims 27 and 29-40 are therefore currently pending, with claims 30-40 being withdrawn. Claims 27 and 29 stand rejected under 35 U.S.C. §102 and §103. The specific grounds for rejection, and applicants' response thereto, are set out in detail below.

### II. Rejections Under 35 U.S.C. §102

#### A. *Middelorp*

Claim 27 remains rejected as anticipated by Middelorp. The ground for rejection is based on SEQ ID NO:4 of the reference and “the disclosure of amino acids 430-438.” Applicants traverse.

SEQ ID NO:4 of the reference is a 31 amino acid peptide, having the sequence QEGGPDGEPDVPPGAIEQGPADDPGEGPSTG. As best as applicants can ascertain, the examiner is citing this sequence against SEQ ID NO:23 of the instant application. Claim 27 has been amended to remove this sequence. Therefore, it is believed the rejection is overcome.

#### B. *The ‘353 Patent*

Claim 27 is rejected over SEQ ID NO:1 of the ‘353 patent, which is admittedly much larger than SEQ ID NO:27 against which it is cited. Moreover, SEQ ID NO:1 of the ‘353 patent is not “forty amino acids or less.” Thus, the cited art is not anticipatory. Reconsideration and withdrawal of the rejection is respectfully requested.

**C. The '522 Patent**

The examiner has rejected claims 27 and 29 over the sequence listing of the '522 patent. Applicants have reviewed the sequence listing including 127 peptides and found none that match the SEQ ID NOS of claim 27. It would be greatly appreciated if the examiner, believing the rejection to be proper, would point out *particular* sequences that are believed to be anticipatory. In the absence of such direction, applicants traverse the rejection and request reconsideration and withdrawal thereof.

**III. Rejections Under 35 U.S.C. §103**

Claims 27 and 29 remain rejected under §103 as allegedly obvious over Middelorp. Applicants traverse the rejection. Claim 29 depends from claim 27, and claim 27 recites a series of peptide structures, none of which are found in Middelorp (note that SEQ ID NO:23 has been dropped, and that SEQ ID NO:24 was previously dropped). The remaining peptides are neither taught nor suggested by the reference, and thus the remaining disclosure on treatment of EBV-related diseases and pharmaceutical formulations is irrelevant without some teaching regarding this element of the claim. Reconsideration and withdrawal of the rejection is therefore respectfully requested.

**IV. Conclusion**

In light of the foregoing, applicants respectfully submit that all claims are in condition for allowance, and an early notification to that effect is earnestly solicited. Should the examiner have any questions regarding this response, a telephone call to the undersigned is invited.

Respectfully submitted,



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